

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDWARD EARL THOMAS,

Plaintiff,
v.

Civil Action No. 07-11526
HONORABLE DENISE PAGE HOOD

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION,
ORDER DENYING VARIOUS MOTIONS
AND
ORDER ENJOINING PLAINTIFF FROM FILING ANY
FURTHER DOCUMENTS IN THIS CASE

Before the Court is the Report and Recommendation from the Magistrate Judge denying Plaintiff's Motion to Reopen the Case and to Amend the Complaint. Since the Report and Recommendation, Plaintiff has filed numerous documents/letters in this case.

The Court entered a Judgment and Order dismissing this case on May 30, 2008. Plaintiff filed the Motion to Reopen on June 25, 2008, the Motion to Amend the Complaint on August 13, 2008, the Motion for Supplemental Damages and to Move Me on September 15, 2008 and Motion to Change Jail and Hospitalization on October 6, 2008, Motion to Appoint Counsel on March 11, 2009. At least **33 letters** have been submitted and filed by Plaintiff since the Judgment was entered in this case.

The Court accepts and adopts the Magistrate Judge's Report and Recommendation denying the Motion to Reopen and to Amend the Complaint. In addition to the reasons set forth in the Report and Recommendation, the Court denies Plaintiff's various motions/letters because the motions/letters were filed beyond the ten day filing requirement under the Rules. An amendment

of an order after a judgment has been entered is governed by Rule 59(e) of the Federal Rules of Civil Procedure and/or E.D. Mich. Local Rule 7.1(g). Rule 59(e) provides that any motion to alter or amend a judgment shall be filed no later than ten (10) days after entry of the judgment. Fed. R. Civ. P. 59(e). The Court cannot extend the ten day time limitation once a judgment has been entered under Fed. R. Civ. P. Rule 6(b)(2).

The Court does not have jurisdiction over Plaintiff's various motions/requests. Plaintiff's motions/letters are filed beyond the ten-day requirement under Rule 59 and the Local Rule for Motions for Reconsideration of the Court's May 30, 2008 Order and Judgments. Even if the Court were to consider Plaintiff's motions/letters, the Court finds that Plaintiff's letter-Motion merely presents the same issues, ruled upon by the Court in its May 30, 2008 Order, either expressly or by reasonable implication. Plaintiff has not demonstrated a palpable defect by which the Court and the parties were misled. Plaintiff also has not shown that a different disposition of the case would result from a correction of the Order. Additionally, the numerous letters present various statements which are not related to the case before this Court.

The Court also adopts and accepts the Magistrate Judge's recommendation to enjoin Plaintiff from filing any further documents/letters/motions in this case number. As noted by the Magistrate Judge, Plaintiff is a prolific filer in this Court, ***with at least 28 complaints or attempts to file complaints in this District alone***. Judges in this District have entered various orders enjoining Plaintiff from filing any further documents in specific cases and/or Complaints without first seeking approval from the Court. One of the latest order was entered by Chief Judge Gerald E. Rosen which notes that Plaintiff has been enjoined from filing any new complaints in this District without first obtaining the Court's approval. (*See Thomas v. U.S. Postmaster General*, Case No. 08-mc-51193).

Accordingly,

IT IS ORDERED that:

1) Plaintiff's Motion to Reopen or Proceed and or Bond (**Doc. No. 19, filed 6/25/2008**) is DENIED.

2) Plaintiff's Motion to Amend Complaint (**Doc. No. 21, filed 8/13/2008**) is DENIED.

3) Plaintiff's Motion for Supplemental Damages and to Move Me (**Doc. No. 26, filed 9/15/2008**) is DENIED.

4) Plaintiff's Motion to Change Jail and Hospitalization (**Doc. No. 37, filed 10/6/2008**) is DENIED.

5) Plaintiff's Motion to Appoint Counsel (**Doc. No. 62, filed 3/11/2009**) is DENIED.

IT IS FURTHER ORDERED that Plaintiff is ENJOINED from filing any further documents in this Case Number. Plaintiff cannot file any further letters/motions/documents in this Case Number. The Clerk is directed to STRIKE any further letters/motions/documents filed by Plaintiff and RETURN such letters/motions/documents to Plaintiff. If Plaintiff seeks to file any new claims before this District, Plaintiff must first seek approval to file a new case, as required in Case No. 04-10087, and other orders entered by various judges.

S/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: March 18, 2009

I hereby certify that a copy of the foregoing document was served upon Edward E. Thomas, Saginaw County Jail, 208 S. Harrison, Saginaw, MI 48602 and counsel of record on March 18, 2009, by electronic and/or ordinary mail.

S/William F. Lewis

Case Manager